



STATE BOARD OF EQUALIZATION

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Executive Secretary
No. 82/100

August 18, 1982

TO COUNTY ASSESSORS:

SUMMARY OF PROPOSED LEGISLATION NUMBER 10

Following are brief summaries of selected proposed legislation or amendments to earlier drafts which relate to the Revenue and Taxation Code or otherwise to the assessing function.

AB 2718

Author: Assemblyman Kapiloff
Action: Amended in Senate
Date: August 2, 1982
Affected Code Section: Amends Section 62 of the Revenue and Taxation Code.

This bill, originally dealing with the exclusion from change in ownership of certain title-perfecting transfers and intrafamily transfers, has been expanded by the incorporation into its text of additional revisions to Section 62 that were formerly contained in AB 3382 (Cortese). These latter changes deal with certain transfers between an individual and a legal entity or between legal entities wherein the method of holding title changes, but the proportional ownership interests of transferors and transferees remain the same. These additional amendments to Section 62 would become operative only if both this bill and AB 3382 are chaptered and this bill is chaptered last.

AB 3193

Author: Assemblyman Cortese
Action: Amended in Senate
Date: August 2, 1982
Affected Code Sections: Amends Sections 423 and 426 of the Revenue and Taxation Code.

As recently amended, this bill allows the city council or county board to provide that open-space properties be assessed at a fixed percentage of their factored base year value, the percentage depending upon the statutory classification of the enforceably restricted lands. Similar provisions are already found in Section 423.3 of the Revenue and Taxation Code. The revisions to the Government Code sections prescribing cancellation fee and deferred taxes procedure have been deleted from this bill; however, the clarification of nonrenewal procedure under Section 426 remains intact.

SB 465

Authors: Senator Beverly, et al.

Action: Amended in Assembly

Date: June 29, 1982

Affected Code Section: Adds Section 107.5 to the Revenue and Taxation Code.

In its most recent version, this bill strictly limits the use of the term "fixture" in identifying taxable possessory interests in U.S. government-owned equipment, machinery, and tooling. The bill states that its provisions are declaratory of existing law, and that such provisions cannot be applied to any possessory interest assessment for fiscal years commencing before the bill's effective date, if the assessee failed to file a timely appeal of such assessment.

SB 1326

Author: Senator Alquist

Action: Approved by Governor

Date: June 30, 1982

Affected Code Sections: Numerous sections of various codes; an urgency statute.

This budget trailer bill includes in its many statutory revisions the following changes affecting property taxation:

(1) It modifies the statements of scope and purpose of the State Board of Equalization's Assessment Practices Surveys, as contained in the Government Code, Sections 15616, et seq.;

(2) It revises the procedure followed for equalization of county assessments by the State Board, as found in Sections 1609.2, 1610.8 and 1716.1 of the Revenue and Taxation Code;

(3) It repeals many obsolete references to the sampling program as formerly conducted by the Division of Intercounty Equalization (later the Local Property Tax Monitoring Division), which were Sections 1815 through 1825 of the Revenue and Taxation Code.

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SB 1750

Authors: Senator Sieroty, et al.

Action: Amended in Assembly

Date: June 18, 1982

Affected Code Sections: Revises various sections of the Education Code; adds Part 21 to Division 2 of the Revenue and Taxation Code; urgency statute.

This bill would create a 6 percent oil severance tax on oil produced on or after August 1, 1982, which would be in addition to the existing ad valorem property tax on oil. The revenue generated by this tax would be allocated primarily to school district programs administered by the state.

Copies of each of these bills are enclosed for your information.

Sincerely,



Verne Walton, Chief
Assessment Standards Division

VW:dw
Enclosure
AL-05-1499A